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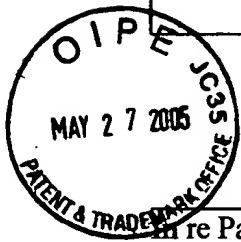
Dated: 3/30/05

Signature:

(Maria Laccotripe Zacharakis, Ph.D., J.D.)

COPY

Docket No.: AHN-001DV1RCE  
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:  
Winfried Edelmann *et al.*

Application No.: 09/658734

Confirmation No.: 9039

Filed: September 11, 2000

Art Unit: 1651

For: METHODS FOR IDENTIFYING  
COMPOUNDS WHICH MODULATE THE  
ACTIVITY OF MSH5(AS AMENDED)

Examiner: R. A. Davis

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. § 1.131 BY WINFRIED EDELMANN,  
RICHARD D. KOLODNER, JEFFREY W. POLLARD, AND RAJU S.  
KUCHERLAPATI**

Sir:

We, Winfried Edelmann, Richard D. Kolodner, Jeffrey W. Pollard, and Raju S. Kucherlapati declare:

1. We are inventors of the subject matter described and claimed in the above-referenced patent application.
2. We attest that we have reviewed the specification and claims of the above-identified application.

3. We attest that prior to August 28, 1998, the invention described and claimed in the above-identified application was completed in this country as evidenced by the following:

(a) Prior to August 28, 1998, a manuscript entitled "Mammalian MutS Homolog 5 is Required for Chromosome Pairing in Meiosis," (attached herewith as Appendix D and referred to herein as "the manuscript") was submitted to the scientific journal *Nature Genetics*. The manuscript was received by the journal *Nature Genetics* on August 15, 1998, as evidenced by the published article based on this manuscript (attached herewith as Appendix E). The published article indicates August 15, 1998 as the date of receipt at page 127, second column.

(b) The manuscript describes the invention as described and claimed in the above-identified patent application. Specifically, based on the observation that mice carrying a homozygous null mutation in the MSH5 gene are sterile, and the identification of the role of MSH5 in meiosis, we discovered that MSH5 can be used in screening assays for identifying a candidate compound useful as a contraceptive, a candidate compound useful for preventing fertilization, a candidate compound useful for modulating chromosome synapsis, or a candidate compound useful for modulating meiosis, as is presently claimed.

4. We have been warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful and false statements may jeopardize the validity of the subject application or any patent resulting therefrom, and declare that all statements made of our own knowledge are true and that all statements made on information and belief are believed to be true.

Date:

03-26-2005

Signed:

W. Edelman

Winfried Edelman

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Richard D. Kolodner

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Jeffrey W. Pollard

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Raju S. Kucherlapati

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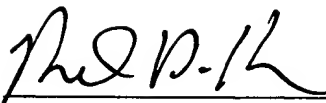
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Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Winfried Edelman

Date: March 27, 2005

Signed: 

Richard D. Kolodner

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Jeffrey W. Pollard

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Raju S. Kucherlapati

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Winfried Edelman



Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Richard D. Kolodner

Date: 25<sup>th</sup> MAR 05

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Jeffrey W. Pollard

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

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